

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : H : NEW DELHI

BEFORE SHRI R.S. SYAL, ACCOUNTANT MEMBER
AND
SHRI SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER

ITA Nos.2111 & 2112/Del/2012
Assessment Year : 2003-04

ACIT,
Circle-18(1),
New Delhi.

Vs. Zeus Power Solutions (P) Ltd.,
413, Hemkunt Tower,
Nehru Place,
New Delhi.
PAN: AAACZ1271F

Assessee By : Shri Shiv Kumar Arora, CA
Deptt. By : Shri Rajiv Ranka, Sr. DR

Date of Hearing : 29.01.2016
Date of Pronouncement : 29.01.2016

ORDER

PER R.S. SYAL, AM:

These appeals by the Revenue arise out of the orders passed by the CIT(A) in relation to the assessment year 2003-04.

2. During the course of hearing, the Id. AR submitted that pursuant to the mandate of section 268A, the CBDT has issued Circular No. 21 of 2015 dated 10.12.2015 with retrospective effect, revising the monetary limit to Rs.10,00,000/- for not filing appeals before the Tribunal. He further submitted that as the tax effect involved in the instant appeals is less than Rs.10,00,000/-, the extant appeals are not maintainable. The Id. D.R., although supported the order of the Assessing Officer, but could not controvert the fact that tax effect involved in these appeals is less than Rs.10,00,000/-.

3. From para 10 of the above Circular it is palpable that the Instruction is applicable to the pending appeals also with retrospective effect and there is a clear-cut direction to the Department to withdraw or not press such appeals filed before the ITAT wherein tax effect is less than Rs.10,00,000/-. Going by the prescription of the aforementioned Circular, we are of the view that the Revenue should have either not filed the instant

appeals before the Tribunal or withdrawn the same as the tax effect in these appeals is admittedly less than the prescribed limit for not filing the appeals. *Ex consequenti* we dismiss the instant appeals without going into merits of these cases.

4. In the result, the appeals of the Revenue stand dismissed.

Order Pronounced in the open Court on 29.01.2016.

Sd/-

[SUDHANSHU SRIVASTAVA]
JUDICIAL MEMBER

Sd/-

[R.S. SYAL]
ACCOUNTANT MEMBER

Dated, 29th January, 2016.

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Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT (A)
5. DR, ITAT

AR, ITAT, NEW DELHI.